

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Shinya Matsuoka  
Serial No.: 09/487,593  
Filed: January 19, 2000  
Group No.: 2151  
Confirmation No.: 3339  
Examiner: Khanh Q. Dinh  
Title: SPATIALIZED AUDIO IN A THREE-DIMENSIONAL  
COMPUTER-BASED SCENE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

**TERMINAL DISCLAIMER TO OBIVATE A DOUBLE  
PATENTING REJECTION (37 C.F.R. §1.321 (c)) AND  
CERTIFICATE UNDER 37 C.F.R. §3.73 (b)**

I, Steven P. Klocinski, Secretary of Computer Associates Think, Inc., represent that Computer Associates Think, Inc. is the assignee and the exclusive owner of the entire right, title and interest of, in and to U.S. Application Serial No. 09/487,593, filed on January 19, 2000, for **SPATIALIZED AUDIO IN A THREE-DIMENSIONAL COMPUTER-BASED SCENE**, as indicated by the Assignment Records of the U.S. Patent and Trademark Office at Reel 017158, Frame 0624; and certify that to the best of assignee's knowledge and belief, title is in the assignee seeking to take action; and that I am empowered to act on behalf of assignee.

Computer Associates Think, Inc. hereby disclaims the terminal part of any patent which may grant from U.S. Patent Application No. 09/487,593, that would extend beyond the expiration date of any patent which may grant from U.S. Patent Application No. 08/841,397 filed March 30, 1997, also assigned to and owned by Computer Associates Think, Inc. as indicated by the Assignment Records of the U.S. Patent and Trademark Office at Reel

010351, Frame 0936, and hereby agrees that any patent which may grant from U.S. Patent Application No. 09/487,593 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent which may grant from U.S. Application No. 08/841,397 filed March 30, 1997, this agreement to run with any patent which may grant from U.S. Patent Application No. 09/487,593 and to be binding upon the grantee, its successor or assigns.

Petitioner, however, does not disclaim any terminal part of any patent which may grant from U.S. Patent Application No. 09/487,593 prior to the expiration of the full statutory term of any patent which may grant from U.S. Patent Application No. 08/841,397, in the event that one or more of the following occurs: any patent which may grant from U.S. Patent Application No. 08/841,397 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. Furthermore, I declare that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

The Commissioner is hereby authorized to charge \$130.00 fee required by 37 C.F.R. 1.20(d). The Commissioner is also hereby authorized to charge any underpayment or credit any overpayment of fees to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

7-18-03  
Date

SP/KC  
Steven P. Klocinski, Esq.  
Secretary